

Executive Summary: RIAI Submission to Competition Authority

Section 6: Registration

1. The greater majority of EU Member States have either registration of title system with control of function or a combination of both.

2. The proposals under the Building Control Bill represent a milder form of regulation than in many EU states, where function also is controlled.

3. The question of registration of function has previously been considered by the Fair Trade Commission which reported at Section 8.35 as follows:

"It is concluded that it would be possible to achieve a registration of title system for the professions of architect, quantity surveyor, building surveyor, valuer and other professions within the construction industry which would not be unreasonably restrictive of competition. It is considered that, on balance, a registration of title system would be in the overall public interest and it is recommended that a system be introduced."

1. In other EU states two models of registration are used:

1. State registration.
2. Statutory registration systems administered by professional bodies.

Model 2, administered by professional bodies, is the preferred option in member and accession states, which do not have availability of substantial funding for State systems.

2. Since 1997, and following the recommendations of the Strategic Review Committee, there has been extensive consultation on the proposals under the Building Control Bill with bodies representing architects other than RIAI members, the Forum for the Construction Industry, and Government Departments, relating to the agreement of these proposals by the Forum for the Construction Industry. The proposals for registration set out in a Frame for Registration for the Architectural Profession in Ireland, has been agreed by the Architects and Surveyors Institute, The Group of Independent Architects in Ireland, The Incorporated Association of Architects and Surveyors and the Irish Architects Society.

3. The objectivity and independence of the system under the Building Control Bill to be administered by the RIAI is guaranteed by:

- Statutory basis for registration.
- Admission standards defined by statute.
- An independent admissions board, chaired by a retired Judge or Lawyer.
- An independent Professional Conduct Committee, chaired by a retired Judge or Lawyer.
- An independent Appeals Process.

4. The RIAI has no difficulty with the view expressed by the Competition Authority that Admissions Board and the Professional Conduct Board should have the majority of lay representation.

5. The RIAI believes that the proposals under the Building Control Bill will not limit the number of architects available to the market and will not inhibit competition.

6. There are over 2200 registered RIAI members and several hundred non-RIAI members. Concentration in this market is extremely low insofar as there are relatively few large practices. Entry from abroad is easy. There is no evidence of over charging or exploitation by practitioners.

7. The Registration of Title will assist non-RIAI members because they will be able to compete on equal terms with RIAI members. For this reason, registration will increase competition and not restrict competition.

8. Registration of title and not of function is proposed. Persons who would not be registered to use the title 'Architect' could continue to provide architectural services.

9. The system would provide for all persons competent to provide architectural services to be registered. Registration of Title will facilitate the recognition of architects from other EU countries. An independent body, as provided in the Building Control Bill will be able to examine their qualifications, their educational background, etc and grant them the ability to compete in the market on equal terms with existing practitioners.

10. Large buyers of architectural services will be aware of the qualifications and experience of those with whom they are doing business, but many small buyers will not know enough to enquire about the qualifications of the person they employ. Given the importance of architecture to the built environment and for safety, it seems difficult to accept that any person can call themselves an architect and provide architectural services without any qualification or experience whatsoever.

11. In the absence of a system of registration, it is necessary for other bodies, such as the Office of Public Works, the Law Society and the courts, to establish their own definition of qualified architects. This is obviously a duplication of effort and such lists of "qualified architects" could be perceived as discriminating against those who are not members of the RIAI. In order to have full transparency in relation to recognition, it is preferable that this be done on the basis of a statutory recognition of title and registering those who are entitled to use the title.

12. Almost all jurisdictions, including the United Kingdom, the USA, Australia and eurozone countries (except Finland) have a system of Registration of Title. As most of these countries have a major emphasis on competition law and enforcement of that law, it is reasonable to ask whether they would have permitted Registration of Title if, in their view, it was likely to restrict competition.

13. While a Registration of Title system will have some costs, that cost will be small if the system is administered by the RIAI as is proposed under the Building Control Bill. There is no conflict between administration by the RIAI and completely independent decision making committees to approve admission, deal with disciplinary matters, etc.

Section 2: Education and Training

1. The education standards required for admission to the RIAI are determined by reference to EU and International standards, and not by the RIAI.
2. There are significant differences in the education and training of architects, architectural technicians and architectural technologists.
3. Because of EU and International standards and agreements, access to the Irish profession by non-nationals is open and this openness has enabled the profession to respond to increased levels of construction activity. However it is important that the Work-Visa system for non-EU architects is continued.
4. Part time systems of education are unlikely to deliver architects in any significant numbers.

Section 4: Competitions

1. The management systems used by the RIAI for the management of architectural competitions have not been developed by the RIAI, but are those of UIA/UNESCO and the EU. These systems do not operate so as to advantage RIAI members as evidenced by the number of Irish architectural competitions won by over seas architects from the EU and beyond.
2. Architectural competitions represent a core professional value. Architects are prepared to meet the considerable cost in time and overheads of entering competitions and to provide and fund a vast quantity of work, at virtually no cost to the community. Such competitions represent a considerable commitment in terms of time and overhead costs, and in return for this investment, architects ask that architectural competitions are held in accordance with recognised norms i.e. those of UIA/UNESCO and those pertaining in the EU.
3. Removing EU and UIA/UNESCO standards for competitions will have a serious negative impact on the number of competitions in Ireland.
4. The solution to perceived problems in entry requirements and prequalification is the introduction of a registration system

Section 5: Building Regulations

1. The RIAI believes that the Building Regulations are not as effective as they ought to be in enforcing minimum standards because of weakness in the enforcement and compliance system detailed in this submission

2. The cost of a Building Regulations approvals and inspections regime, as in the UK, other EU member bodies and the United States, was regarded by Government even in the wake of the Stardust tragedy –as so substantial as to be prohibitive. The alternative of a statutory “sign-off” by competent professionals, defined and described by statutory registration systems under the proposed Building Control Bill, would be virtually cost-less to the tax payer while improving compliance with the Building Regulations and providing a much greater level of consumer protection.

Section 7: Advertising

1. The RIAI is prepared to remove what are seen by the Competition Authority as restrictions on advertising.

Section 8: Fees

1. The RIAI is prepared to remove fee survey information from its published contract documents.

2. The RIAI wishes to publish a guide to architectural fees similar to guides published by RIBA in the UK, and the Royal Australian Institute of Architects. The RIAI will be happy to submit a draft of the guide to the Competition Authority in due course.

3. The RIAI considers that a range of options, i.e. percentage charges, lump sums or time charges, should continue to be available for clients and consumers.

Section 9: Compliance certification

Given the very low level of enforcement of Building Regulations, the RIAI considers that the provision of Opinions on Compliance is a matter of considerable responsibility requiring the exercise of significant professional judgement and recourse for aggrieved consumers to appropriate complaints procedures.

Section 10: Professional Indemnity

The RIAI considers that the Department of Health sliding scale for levels of Professional Indemnity cover should be adopted as a standard by Government in all publicly funded work, and by semi state agencies etc. The Government Construction Contracts Committee should update the figures annually to account for inflation.

Section 11: Complaints

1. The RIAI considers that complaints should be dealt with on an independent basis and that such independence will be provided in the procedures under the Building Control Bill

2. The RIAI believes that many consumers are presently left without any effective means of complaint, redress or advice in the absence of a registration system under the Building Control Bill.

3. The RIAI believes that the consumer would benefit from Professional Conduct Procedures with statutory backing as proposed under the Building Control Bill.

4. The RIAI is concerned that consumer protection in the area of architectural services is limited and can only be developed by the introduction of the proposals under the Building Control Bill.

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